

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

ADRIANA PASTOR (KRAMER),

Plaintiff,

v.

Case No. SA-24-CV-0024-JKP

LEONARDO MADRIGAL, PEDRO
PATRON, ALDO SHIAVON, JAVIER
GUERRERO, MOISES TEJEDA
CARRILLO, JUAN GARCIA,

Defendants.

**ORDER ACCEPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

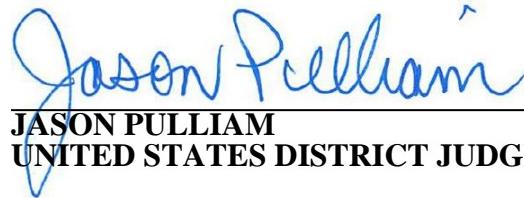
Before the Court is a Report and Recommendation of United States Magistrate Judge (“R&R”) filed March 12, 2024, (ECF No. 9). The Magistrate Judge recommends that the Court dismiss this action for lack of subject matter jurisdiction. By Show Cause Order (ECF No. 7), the Magistrate Judge brought this matter to Plaintiff’s attention and ordered her to show cause why the Court should not dismiss her case for lack of jurisdiction. Although Plaintiff filed an unnecessary motion for leave to proceed in forma pauperis (ECF No. 8) that the Court mooted by text order, she has made no attempt to satisfy the show cause requirements. Because Plaintiff filed nothing to address the jurisdictional deficiencies brought to her attention, the Magistrate Judge issued her recommendation. Plaintiff has filed no objection to the R&R, and the time for doing so has expired.

Any party who seeks review of all or a portion of an R&R must serve and file specific written objections within fourteen days after being served with a copy. 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b)(2). If a party does not timely object, the District Court may review the unobjected-to proposed findings and recommendations to determine whether they are clearly

erroneous or contrary to law. *Johnson v. Sw. Research Inst.*, 210 F. Supp.3d 863, 864 (W.D. Tex. 2016) (citing *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (per curiam)).¹

Consistent with § 636(b)(1)(C) and Rule 72(b)(2), the Court has reviewed the subject R&R for clear error on the face of the record. The Court finds no such error. Accordingly, the Court **ACCEPTS** the Magistrate Judge's recommendation (ECF No. 9). As recommended, the Court **DISMISSES** this action for lack of subject matter jurisdiction. It will issue an appropriate final judgment by separate filing.

IT IS SO ORDERED this 15th day of April 2024.



JASON PULLIAM
UNITED STATES DISTRICT JUDGE

¹ While Rule 72(b) does not facially require any review in the absence of a specific objection, the advisory committee notes following its adoption in 1983 state: "When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Further, failure to object shall also bar appellate review of those portions of the Magistrate Judge's Report and Recommendation that were ultimately accepted by the district court, unless the party demonstrates plain error. *Thomas v. Arn*, 474 U.S. 140, 150-53 (1985); *Wilson*, 864 F.2d at 1221.